

SECOND REGULAR SESSION

SENATE BILL NO. 1062

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 14, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

3892S.011

AN ACT

To repeal section 311.485, RSMo, and to enact in lieu thereof one new section relating to liquor licenses for caterers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 311.485, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.485, to read as follows:

311.485. 1. The supervisor of liquor control may issue a [temporary permit] **special license** to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a "festival" as defined in chapter 316, RSMo. [The temporary permit] **Two special licenses are available to those selling intoxicating liquor, pursuant to this section, as follows:**

(1) **A special license** shall be effective for [a period not to exceed one hundred twenty consecutive hours,] **a maximum of fifty consecutive days** and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. **Such a license shall be effective for an unlimited number of functions during the fifty-day period.** For every [permit] **special license** issued [pursuant to the provisions of this section] **for a maximum of fifty consecutive days**, the permittee shall pay to the director of revenue the sum of [ten dollars for each calendar day, or fraction thereof, for which the permit is issued] **five hundred dollars per fifty-day period, payable at the same time and in the same manner as other license fees;**

(2) **A special license shall be effective for one year and for an unlimited**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

number of functions during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon the premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued for one year, the permittee shall pay to the director of the department of revenue the sum of one thousand dollars per year, payable at the same time and in the manner as other license fees. A recipient of a fifty-day license issued pursuant to subdivision (1) of this subsection, may pay an additional five-hundred-dollar fee within one year of the date of issuance of the fifty-day license to receive a special annual license pursuant to this subdivision.

2. Caterers or other persons issued a special license pursuant to subsection 1 of this section shall report to the supervisor of alcohol and tobacco control the location of each function three business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates upon which the function will be held.

[2.] 3. Except as provided in subsection [3] 4 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion, or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. Except for Missouri-produced wines in the original package, the provisions of this section shall not include the sale of packaged goods covered by this temporary permit.

[3.] 4. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

[4.] 5. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight or nonintoxicating beer delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering permit issued pursuant to this section.